

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
[NORTHERN DIVISION]

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LARRY CARL DIXON #138238,  
Pro/Se Plaintiff

-Vs-

Case No.2:06-CV-164-WKW

WILLIE THOMAS,et.al.,  
Defendant(s)

PLAINTIFF'S ANSWER and TRAVERSE TO DEFENDANTS RESPONSE

Comes Now,Larry Carl Dixon,Pro/Se,And from herein known as the Plaintiff,And submits his Answer and Traverse to the Defendants answer,And response to defendants production request,And in support thereof,This plaintiff shows the following:

- 1.) This §1983 action is based on the defendants "Callous disregard and Deliberate Indifference" to the safety of the inmates imprisoned at the Elmore Correctional Facility,[i.e.],The defendants have not taken any measure to prevent the Windows in the Dorms of the Prison,From falling on inmates hands,Causing injury,Even though this has happened several times.
- 2.) This Plaintiff became victim of said Faulty windows,When the Window fell,Guillotine style,And severed his finger,(See; Defendants Response,Attach.Exhibits).
- 3.) The defendants,In their initial disclosure and Answer to the §1983 complaint,Swore under oath,That Inmates were not authorized to open and close the Dormitory windows.

IN REF; CASE NO.2:06-CV-164-WKW

We the Undersigned Inmates Housed at the Elmore Correctional facility hereby Swear, And Affirm under penalty of Perjury, In compliance with 28 U.S.C.S. §1746, That their has never been any communication between Officers and Inmates concerning the Windows at the Elmore Correctional Facility being Unauthorized, To Open or Close.

We further Swear to and Affirm, That the Windows are unsafe and have a "Guillotine" effect, And Larry Carl Dixon #138238, Is not the only Inmate to be injured by the Windows.

Tarriano Rudolph 115870  
Russell Chase 165187 (LOST SIGNATURE)  
Kenyatta Jones 201687  
Greg Starling 157740  
Bernardor Harrell 1244192  
James S. Morris #244957  
Chris Bryant #245768  
Greg O. Boyd 202507  
Eric Johnson #166776  
Donald Lee 134285  
 Signature and A.I.S.#

TARIANO Rudolph 115870  
RUSSELL CHASE 165187  
Kenyatta Jones 201687  
Greg Starling 157740  
Bernardor Harrell 1244192  
James S. Morris #244957  
Chris Bryant #245768  
GREG O. Boyd 202507  
ERIC Johnson #166776  
DONALD LEE 134285  
 Print Name and A.I.S.#

We the above signed Inmates of Elmore Correctional Facility Swear and Affirm the above statement is true and correct to the best of our knowledge, Information, And beliefs.

①

AFFIDAVIT OF THE PLAINTIFF LARRY CARL DIXON

BEFORE me, The Undersigned Notary Public, IN  
AND FOR the state OF Alabama, APPEARED  
ONE, Larry Carl DIXON, AND AFTER BEING  
Duly SWORN, DEPOSES AND states as Follows;  
CASE NO. 2:06-CV-164-WKW

My Name is Larry Carl DIXON, I am  
Over the age OF 21 years OF age, I am  
The PLAINTIFF in the above REFERENCED  
Case Number, in that, unlike Peculiar  
Institution's, I am suprised as the  
Aboved mentioned DEFENDANTS respecting  
The "Guillotine styled window 8/3/05".  
GENUINE ISSUES OF material Fact exist,  
I have been assigned to the Elmore  
Correctional Facility, OFF and ON  
For well over 15 years, I have seen  
Approximately 3 DIFFERENT WARDENS  
Assume Control OF Elmore, deplorable  
Conditions exist, systematically reducing  
Human life, I've Felted retaliated against,  
And denied Procedural due PROCESS  
Protections IN disciplinary Actions.  
Howbeit, under Color OF state Law  
For example; DEFENDANTS, Alabama  
Department OF Corrections Duty OFFICER  
Report, dated AUGUST 5, 2005 05:20 PM.

AFFIDAVIT OF THE PLAINTIFF LARRY C. DIXON

My Actual Injury Occurred 8-3-05,  
Two days elapsed between defendants  
Sgt. Horton statement; DIXON Told me  
(Sgt. Horton) I Let a window up.

NOTE: Alabama department OF Correction  
Form 225B Rule violation #90 Rule Lit.  
(Under INFLUENCE OF Alcohol or Narcotic)  
DATED 4-15-05. when it was revealed  
Too: defendants Donal Campbell Commissioner,  
Warden Willie Thomas, and Cpt. Matthews  
An unsigned disciplinary document Issued  
By defendant Sgt. Horton which required  
Alabama department OF Correction Admin-  
istrative Investigation. defendants  
Wantonly INfringed upon Plaintiff  
Established 14<sup>th</sup> amendment Constitu-  
tionally said Protected Rights under  
Color OF state and or Federal Law.  
Defendants withheld the Original Copy  
stating; Their (defendants) Investigation  
Would serve as Plaintiff Due Process  
Contrary To dictates of WOLFF VS.  
McDonnell, no Officer has ever said  
Anything about the Opening And  
Closing OF windows, 8-3-05 this  
Sillowine styled window was standing

## AFFIDAVIT OF THE PLAINTIFF LARRY C. DIXON

Open, when such window did amputate my LEFT INDEX FINGER, I told defendant HORTON, I was trying to open the window simply to retrieve my SEVERED LEFT INDEX FINGER. Defendants Improficient Actions Presents unchanneled delegations OF LEGISLATIVE POWERS, IN EXPECTATIONS THE COURT, tolerate in the area OF PLAINTIFFS' 14<sup>th</sup> and 8<sup>th</sup> amendment freedoms, THE EXISTENCE OF a penal statute, and OR GENERAL Policy, and OR directive, rule. SUSCEPTABLE OF SWEEPING AND IMPROPER APPLICATIONS. Alabama department OF CORRECTIONS Form 225B Rule Violation #90 Dated 4-15-05, must be signed by ISSUING OFFICER, administrators at smore Correctional Facility Operate under Color OF LAW, At Defendants Exhibit B AFFIDAVIT OF Warden Willie Thomas statement; "I still DENY my staff, and I have shown Callous disregard and deliberate INDIFFERENCE For the safety OF inmates IN our Custody" I pray For relief.



MAURICE HUDSON

BEFORE ME A NOTARY PUBLIC, IN AND FOR THE STATE OF ALABAMA. APPEARED ONE MAURICE HUDSON AND AFTER BEING DULY SWORN, DISPOSES AND STATES AS FOLLOWS: I AM A WITNESS TO THE INCIDENT IN WINDOW AMPUTATION 8/3/05. DEFENDANT'S INCIDENT REPORT DATED AFTER 2 DAY ESCAPE DATED 8-5-05 IS INAPPROPRIATE. UNDER PENALTY OF PERJURY. WHEN THE INJURY OCCURRED PLAINTIFF WAS MAKING HIS BED IN LIVING AREA. A GUILLOTINE STYLED WINDOW STANDING WIDE OPEN DID SLAM DOWN AMPUTATING PLAINTIFF'S LEFT INDEX FINGER. PLAINTIFF DID LEFT GUILLOTINE STYLED WINDOW UP TO RETRIEVE SAID AMPUTATED FINGER. WHERE DEFENDANT SGT HORTON (ALA D.O.C.) DID NOT FOLLOW PROTOCOL WHEN I DID TAKE AMPUTATED FINGER DIRECTLY TO SGT HORTON (ALA D.O.C) WHO THEN DIRECTED ME TO THE ADMINISTRATION BUILDING, WHEN INDEX AMPUTATION WAS PLACED INSIDE A PLASTIC BAG WITH ICE FURTHER THERE IS NO POLICY/GENERAL PRACTICE CONCERNING ALA D.O.C GUILLOTINE STYLED WINDOWS. PLAINTIFFS WITNESS TO INCIDENT NOT LOGGED FOR DEFENDANT'S SAID DUTY OFFICER. REPORT DATED AUG 05-2005

4.) This plaintiff contends, That in the Defendant, Willie Thomas's initial affidavit, Dated March 20th, 2006, He admits that the windows are "In such disrepair", And it is the policy that "Inmates are not to raise, Lower, or adjust any of the windows at any time.", This Plaintiff submits that his Exhibit's 'A' and 'B', Specifically refute this allegation.

5.) This plaintiff further contends, That in Defendant Willie Thomas's second affidavit, Dated May, 3rd, 2006, He states, "It is not a written policy but is a general one that the officers issue to the inmates.", Plaintiff's Exhibit's 'A' and 'B', Specifically refute this allegation.

6.) This plaintiff also avers, That unwritten rules or policies have no business being implemented in a "Prison Environment", **Coffman v. Trickey, 884 F.2d. 1057 (8th Cir. 1989)**, As they mean nothing, Or, Are Void for Vagueness. **Coffman, Supra. at 1060.**

7.) This plaintiff, further contends, That the defendants allegation, or rather his method of "Passing the Buck" , On to his officers, can not be substantiated.

8.) This plaintiff, As evidenced by his Exhibit 'A', "Affidavit of Larry Carl Dixon", Clearly shows that this plaintiff has been at the Elmore Correctional Facility, For a substantial amount of time, And not once has he ever witnessed an officer reprimand, Or, Instruct an inmate that the Windows are unauthorized.

9.) This Plaintiff further argues, That His Exhibit 'B', "Affidavit and/or Petition of Inmates housed at Elmore Correctional Facility" clearly show that this "Unwritten Rule" has just recently been implemented, And at the signing of the attached document, The inmates of the Elmore Correctional Facility have still not been notified of said "Unwritten Rule".

10.) It is this plaintiff's position, That both Affidavit's of

defendant Willie Thomas, Should be stricken from the record, As if his allegation of the "Unwritten Rule" was true, Their would be a directive to his Shift Commanders, Or, On duty officers concerning the opening and closing of the Windows at the Elmore Correctional Facility.

And as alleged by this plaintiff, In his Motion to Produce, And proven by the Defendants last Affidavit, Their is no such rule.

**CONCLUSION**

Wherefore, Premises considered, This Plaintiff prays that the court will review the pleadings filed in this cause, Recognize the obvious untruth's alleged by the Defendant, And grant this plaintiff the relief sought in the Original Complaint. This and any further relief that this court deems just and proper is also prayed for, On this the 26 day of MAY 2006.

Respectfully Submitted, Larry C Dixon  
Larry Carl Dixon, Pro/Se

**CERTIFICATE OF SERVICE**

This is to certify, That I have served a true and correct copy of the foregoing pleading, And attached Exhibits on:

Bettie J. Carmack  
Assistant Attorney General  
Civil Litigation Division  
11 South Union Street  
Montgomery, Al. 36130

By placing said Copies, In the U.S. Mail, Postage pre-paid, And properly addressed, On this the 26 day of MAY 2006.

Larry C Dixon  
Larry Carl Dixon, Pro/Se  
A.I.S. #138238  
E.C.F. / P.O. Box 8  
Elmore, Al. 36025



## Certificate OF Service

This is to Certify, that I have served  
A Copy OF the Foregoing Pleadings  
On;

OFFICE OF the Attorney General  
Civil Litigation Division  
11 South Union Street  
Montgomery, AL 36130

I declare under Penalty OF Perjury  
That the Foregoing is true and Correct.

Done this the 30 day OF May

Larry C. Dufrenoy  
Plaintiff signature

Theresa S. Sowell  
Notary Public

my Commission expires April 5, 2018